## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

EARNESTINE DAVIS,	)	
	)	
Plaintiff,	)	
	)	
V.	)	No. 4:08-CV-1969 CAS
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

## **ORDER**

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Frederick R. Buckles, filed October 1, 2009. See 28 U.S.C. § 636(b). Defendant filed a motion to reverse and remand the case on September 28, 2009. The Magistrate Judge recommended that the Court grant defendant's request to remand the case for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g), to permit the Administrative Law Judge to obtain vocational expert testimony at step five regarding plaintiff's ability to work. The Magistrate Judge stated that plaintiff had responded to defendant's motion to remand and did not object to it.

After careful review of the matter, the Court concurs with the recommendation of the Magistrate Judge that this matter be remanded for further administrative proceedings pursuant to sentence four 42 U.S.C. § 405(g), by consent of the parties.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States

Magistrate Judge is sustained, adopted and incorporated herein. [Doc. 27]

IT IS FURTHER ORDERED that the defendant's Motion to Reverse and Remand is GRANTED. [Doc. 25]

IT IS FURTHER ORDERED that the decision of the Commissioner is REVERSED.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), this case is **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.

An appropriate judgment of remand will accompany this order.

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 2nd day of October, 2009.